

## § 385.305

application materials for a new entrant motor carrier.

[67 FR 31983, May 13, 2002, as amended at 72 FR 55701, Oct. 1, 2007]

### **§ 385.305 What happens after the FMCSA receives a request for new entrant registration?**

(a) The requester for new entrant registration will be directed to the FMCSA Internet website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)) to secure and/or complete the application package online.

(b) The application package will contain the following:

(1) Educational and technical assistance material regarding the requirements of the FMCSRs and HMRs, if applicable.

(2) The Form MCS-150, The Motor Carrier Identification Report.

(3) Application forms to obtain operating authority under 49 CFR 365, as appropriate.

(c) Upon completion of the application forms, the new entrant will be issued a USDOT number.

(d) For-hire motor carriers, unless providing transportation exempt from 49 CFR part 365 registration requirements, must also comply with the procedures established in 49 CFR part 365 to obtain operating authority before operating in interstate commerce.

[67 FR 31983, May 13, 2002, as amended at 73 FR 76488, Dec. 16, 2008]

### **§ 385.306 What are the consequences of furnishing misleading information or making a false statement in connection with the registration process?**

A carrier that furnishes false or misleading information, or conceals material information in connection with the registration process, is subject to the following actions:

(a) Revocation of registration.

(b) Assessment of the civil and/or criminal penalties prescribed in 49 U.S.C. 521 and 49 U.S.C. chapter 149.

[73 FR 76488, Dec. 16, 2008]

### **§ 385.307 What happens after a motor carrier begins operations as a new entrant?**

After a new entrant satisfies all applicable pre-operational requirements,

## 49 CFR Ch. III (10–1–10 Edition)

it will be subject to the new entrant safety monitoring procedures for a period of 18 months. During this 18-month period:

(a) The new entrant's roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively.

(b) A safety audit will be conducted on the new entrant, once it has been in operation for enough time to have sufficient records to allow the agency to evaluate the adequacy of its basic safety management controls. This period will generally be at least 3 months.

(c) All records and documents required for the safety audit shall be made available for inspection upon request by an individual certified under FMCSA regulations to perform safety audits.

[67 FR 31983, May 13, 2002, as amended at 73 FR 76488, Dec. 16, 2008]

### **§ 385.308 What may cause an expedited action?**

(a) A new entrant that commits any of the following actions, identified through roadside inspections or by any other means, may be subjected to an expedited safety audit or a compliance review or may be required to submit a written response demonstrating corrective action:

(1) Using a driver not possessing a valid commercial driver's license to operate a commercial vehicle as defined under § 383.5 of this chapter. An invalid commercial driver's license includes one that is falsified, revoked, expired, or missing a required endorsement.

(2) Operating a vehicle placed out of service for violations of the Federal Motor Carrier Safety Regulations or compatible State laws and regulations without taking necessary corrective action.

(3) Being involved in, through action or omission, a hazardous materials reportable incident, as described under 49 CFR 171.15 or 171.16, involving—

(i) A highway route controlled quantity of certain radioactive materials (Class 7).

(ii) Any quantity of certain explosives (Class 1, Division 1.1, 1.2, or 1.3).